

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH T. EVANS,
Plaintiff,

v.

KING COUNTY CORRECTIONAL
FACILITY,
Defendant.

CASE NO. C04-1964TSZ

REPORT AND RECOMMENDATION

This is a civil rights complaint filed pursuant to 42 U.S.C. § 1983. Plaintiff, who is proceeding *pro se*, has been granted leave to proceed with this action *in forma pauperis*.

Plaintiff appears to allege in his complaint that he was improperly housed on an upper floor at the King County Regional Justice Center when medical staff at the facility knew he was under a doctor's care for a knee injury. Plaintiff also appears to allege that he was denied adequate medical care for injuries suffered after he fell while attempting to descend the stairs at the facility. He identifies the King County Correctional Facility as the lone defendant in this action.

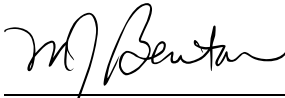
On March 4, 2005, this Court issued an Order declining to serve plaintiff's complaint. The Court advised plaintiff in that Order that the King County Correctional Facility, as an entity of King County, was not a proper defendant in this action. *See Nolan v. Snohomish County*, 59 Wn.App. 876,

REPORT AND RECOMMENDATION
PAGE - 1

1 883 (1990) (“in a legal action involving a county, the county itself is the only legal entity capable of
2 suing and being sued”). The Court also advised plaintiff of what he would be required to allege if he
3 were to elect to pursue a claim against King County or one of its employees.

4 Plaintiff was granted leave to amend his complaint on or before April 4, 2005. To date,
5 plaintiff has not submitted any amended complaint. As plaintiff has made no effort to amend his
6 complaint to correct the deficiency previously identified by this Court, this Court recommends that
7 this action be dismissed, without prejudice, prior to service, under 28 U.S.C. § 1915(e)(2)(B). A
8 proposed order accompanies this Report and Recommendation.

9 DATED this 29th day of June, 2005.

10 

11 MONICA J. BENTON
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26